IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: **CHEN, ET AL.**	§	Attorney Docket No. **AUS920030659US1**
Serial No.: **10/692,127**	§	Examiner: **ALAN S. CHOU**
Filed: **10/23/2003**	§	
For: **ENHANCED DATA SECURITY THROUGH FILE ACCESS CONTROL OF PROCESSES IN A DATA PROCESSING SYSTEM**	§	Art Unit: **2151**

REPLY BRIEF

Commissioner for Patents
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Sir:

This Reply Brief is submitted in answer to the Response to Argument set forth in the Examiner's Answer mailed November 24, 2008. No fee is believed to be required; however, in the event any fees are required, please charge **IBM Corporation's Deposit Account No. 09-0447**. No extension of time is believed to be required; however, in the event any extension is required, please consider that extension requested and please charge any associated fee and any additional required fees **IBM Corporation's Deposit Account No. 09-0447**.

ARGUMENTS

This Reply Brief is submitted in response to Examiner's Answer filed on November 24, 2008. In the Response to Argument section of the Answer, Examiner offers rebuttal arguments to several of Appellants' proffered arguments in Appellants' Appeal Brief (filed August 4, 2008). Examiner's responses are directed to specific features within the grouping of claims delineated as response A, B & C (addressing 102 arguments) and responses D & E (addressing 103 arguments). Appellants now address Examiner's responses A, B and C with a single rebuttal argument, and Appellants also address Examiner's responses D and E with a single rebuttal argument.

Rebuttal to Examiner's A, B & C Responses (Claims 1-4, 9-12, 17-20)

In the Response to Argument section (¶ 10) of the Examiner's Answer, Examiner states that *Oe* discloses "resource access control for processes or programs" and "a condition 20352 list that lists applications or process … with the rights to use the files in the protected file list" where the condition 20352 list "shows access rights of applications or processes" and "holds the list of the applications or processes with the access to the files" (underlining added for emphasis).

By these statements, however, Examiner shows that Examiner has mis-analyzed, mis-understood, and/or failed to completely appreciate the novel distinction provided by Appellants' claimed invention. First, Examiner does not address the failure of *Oe* to teach any of the features of Appellants' claims that relate to prohibiting (i.e., preventing) a requesting process from being able to transfer a file from the computer to a network, based on the inclusion of the requesting process on a created process list. Second, Examiner also fails to appreciate the novelty involved in the creation of the process list, which novelty includes adding processes to the list that has accessed the file previously (*see* Claim 1: "*creating a process list for each data file in the file list, wherein each process list identifies one or more processes executing in the data processing system that has accessed the data file associated with the created process list*").

As a further example of the distinction between *Oe* and Appellants' claimed invention, with Appellants' claimed invention, a particular process on the process list would be able to locally access a file, although that very process would be restricted from transferring the file to a network. *Oe* does not provide for preventing, and does not prevent, transfer of the resource (file)

to which access has been granted. *Oe*, therefore, does not teach (or suggest) a very important feature of Appellants' claimed invention.

The cited sections of *Oe* (e.g., section 0007 and section 0224) clearly refer to "restrict[ing] operations to resources … without revising the OS" and "conditions under which the access right is validated," such as registering user name/ID, group name/ID, time, etc. As more clearly recited at ¶ 0009, *Oe* provides: "an information processing method of controlling access to computer resource(s) managed by an operating system, such as a file, network, storage device, display screen, or external device." Page 1, ¶ 0015 describes an "access right management table" containing resource designation information that designates a specific computer resource, condition information under which the access right is validated, and access right information that designates an access right. As further stated in section 0222, the "access right management table is designed to be able to register resource designation information, condition, and n pieces of access right information for each resource" (reference numerals removed for clarity).

The "access to computer resources" being described by *Oe* is "access" from the local computer system to utilize these resources. This local computer access to a resource clearly contrasts with, is distinguishable from, and does not teach (or suggest) preventing particular processes (indicated on a process list) from being able to transfer a file from the local computer out to a network. Locally restricting access to a file is not synonymous with (and does not teach) prohibiting transfer of the file to a network.

There is a clear patentable distinction between restricting access to a resource and restricting a process (which has had access to a file) from being able to transfer the file from the computer system to a network. That patentable distinction renders Appellants' claims allowable over *Oe*. For the above stated reasons, and those reasons enumerated in the Appeal Brief, *Oe* fails to teach (or suggest) each and every element recited in the Appellants' claims, and *Oe* thus fails to meet the standard for a 102 rejection. Examiner's 102 rejections, which are based on *Oe* are clearly not well founded and should be reversed. Appellants respectfully request the Board reverse the Examiner's rejection of Appellants' claims.

Rebuttal to Examiner's D & E Responses (Claims 5-8, 13 and 21)

Appellants' reiterate their objections to the combination of *Oe* and *Yamaguchi*. Additionally, Appellants restate that the combination does not suggest Appellants' claimed subject matter, particularly in light of the above rebuttal arguments, which places the independent claims in even better condition for allowance. Given their dependence from allowable base claims, the present claims are also allowable over the combination.

With respect to the actual response (D & E), Examiner again mischaracterizes the references and relies on the mischaracterization to support these new arguments. For example, one skilled in the art would not find Appellants' claimed subject matter of "performing the prohibited transfer of data from the data processing system to the network upon receipt of authorization to make the transfer of data" (Appellants' Claim 7) to be suggested by the combination of references. Neither reference teaches of suggest this feature recited by Appellants' claims.

For the above reasons, one skilled in the art would not find Appellants' invention unpatentable over the combination of references. Given the dependence on allowable base claims as well as the above reasons, the above claims are allowable over the combination. Examiner's rejection of these claims is not well founded and should be reversed.

CONCLUSION

Appellants have again pointed out with specificity the manifest error in the Examiner's rejections, and the claim language that renders the invention patentable over the combination of references. Appellants, therefore, again respectfully request that this case be remanded to the Examiner with instructions to issue a Notice of Allowance for all pending claims.

Respectfully submitted,

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